

**186.411 Issuance of driver's license to person with a seizure condition -- Conditions -- Notice and hearing -- Option for determination of ability by medical review board.**

- (1) If a person with a seizure condition applies for an original, duplicate, modified, or renewal operator's license, or applies for an instruction permit, he or she shall be required by the cabinet to present to the Division of Driver Licensing certification by a physician or advanced practice registered nurse that his or her condition is controlled by drugs, details of the drugs, dosages which the person takes, and that the person has been free of any seizures for ninety (90) days; his or her own statement that he or she has been free of any seizures for ninety (90) days before the date of the application, and that he or she is taking the medication prescribed by his physician or advanced practice registered nurse. The division shall upon receipt of the required documentation issue him a letter of authorization to present to the cabinet. The cabinet shall not issue an operator's license to a person with a seizure condition who does not present the letter of authorization.
- (2) Any person who has a seizure condition who cannot present the certification that his or her condition is controlled by drugs or a statement that he or she has been seizure-free for ninety (90) days shall be notified in writing by the cabinet that the person's privilege to operate a motor vehicle is withdrawn and of his or her right to have an informal hearing on the matter of whether he or she is an unsafe driver as a result of having the seizure condition. The notice shall be mailed by first-class mail to the address of record of the person. The hearing shall be automatically waived if not requested within twenty (20) days after the cabinet mails notice. The hearing shall be scheduled as early as practical after receipt of the request at a time and place designated by the cabinet.
- (3) A person whose seizure condition would impair his or her ability to operate a motor vehicle may present evidence of the condition to the Division of Driver Licensing's medical review board as established under KRS 186.444, including his or her own attested statement, physician's or advanced practice registered nurse's statement, and medical dosage details. If the board determines that the person's seizure condition would not impair his or her ability to operate a motor vehicle, the division shall issue the letter of authorization required by subsection (1) of this section.
- (4) A person whose seizure condition is of a nature that the seizure condition would not impair the ability to operate a motor vehicle may present evidence of this fact to the Division of Driver Licensing including the person's own attested statement, physician's or advanced practice registered nurse's statement, and medicine dosage details. If the division determines that the person's seizure condition does not impair the ability to operate a motor vehicle, the division shall issue the letter of authorization required by subsection (1) of this section.
- (5) Any physician or advanced practice registered nurse shall not be subject to civil or criminal liability, absent a showing of bad faith, for providing any reports, records, examinations, opinions, or recommendations pursuant to this section.

**Effective:** March 27, 2020

**History:** Amended 2020 Ky. Acts ch. 51, sec. 5, effective March 27, 2020. -- Amended

2016 Ky. Acts ch. 87, sec. 3, effective July 15, 2016. -- Amended 1996 Ky. Acts ch. 318, sec. 70, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 416, sec. 6, effective July 15, 1994; and ch. 455, sec. 2, effective July 15, 1994. -- Amended 1980 Ky. Acts ch. 283, sec. 1, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 306, sec. 1.

**Legislative Research Commission Note** (7/15/94). This section was amended by 1994 Ky. Acts chs. 416 and 455. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 416, which was last enacted by the General Assembly, prevails under KRS 446.250.